IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7463 of 2005

Between:

Maddala Kumari, W/o.Sri Kolaventi Sayanna, Commercial Tax Officer,
Office of the Commercial Tax officer, Vuyyur.

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by Chief Secretary, Secretariat, Hyderabad.
2 Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
3 Deputy Commissioner (CT) Division I, Vijayawada Division, Vijayawada.
4 Commercial Tax Officer, Vuyyur, Krishna District.
5 Commissioner of Panchayat Raj & Rural Employment, P.R.Bhavan, Himayatnagar,
Hyderabad.
6 A.P.Public Service Commission, represented by its Secretary, Hyderabad.
7 Collector, Krishna District, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in discharging the services of the petitioner as ACTO issued in Rc.No.A2/131/2005 dated 11-3-2005 of the third respondent along with the proceedings in Rc.No.SA1/87/2005 dated 19-3-2005 of the fourth respondent issued in pursuance of Notification (As per related court orders cited therein, in modification of earlier notification of selections dated 21-12-2000 22-2-2002 and 31-5-2004) by the sixth respondent dated 15-2-2005 along with

G.O.Ms.No.91, social welfare (CV1) Department dated 23-12-2004 along with the orders of the Hon'ble A.P.Administrative Tribunal dated 22-3-2005 in O.A.No. 1018/2005 as arbitrary, illegal and non-est, consequently directing the respondents to continue the petitioner in service as per rules as ACTO unless the Supreme court declares the retrospectively to their judgment in pursuance of the clarification sought by the respondents and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.HANUMANTHA REDDY

Counsel for the Respondent Nos.1 to 5 and 7: GP FOR SERVICES-I

Standing Counsel for Respondent No.6: Mr.M.VIJAYA KUMAR

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORAL ORDER: (per GB. J.)

The Writ Petition is filed against the interim order passed by the A.P. Administrative Tribunal (for short Tribunal) in O.A.No.1018 of 2005, dated 22.3.2005.

2. The Tribunal passed the following order:

> "Learned counsel for the applicant submits that applicant in OA.No.1070/2005 is similarly placed to that of the applicant in this OA. This Tribunal on 17.3.2005 in OA.No.1070/2005 directed the respondents that the applicant therein shall be adjusted against the available vacancy of ACTOs., in the Zone, subject to, of course the out come of the petition filed by the Government before the Supreme Court seeking certain clarificatory orders. Since the applicant herein is similarly placed to that of the applicant in OA.No.1070/2005, the applicant is entitled to the same interim order as was granted in OA.No.1070/2005, dated 17.3.2005.
>
> ADMIT. Issue notices to the respondents returnable in four weeks.
>
> Under the circumstances, pending further orders, the respondents shall continue the applicant against any of the available vacancies of the ACTOs, in the zone subject to the outcome of the petition filed by the Government before the Supreme Court seeking clarificatory orders".

3. It is to be seen from the material papers filed by the petitioner herself that the Commissioner, Panchayat Raj and Rural Employment, issued proceedings bearing No.11021/CRP-BE/2003, dated 26.2.2005 appointing the petitioner and others as Extension Officers (PR&RD) in the existing vacancies.

4. In view of the above orders, we do not find any ground to interfere with the interim order passed by the Tribunal. Accordingly the petitioner shall be continued in the post of Extension Officer (PR&RD) in pursuance of the proceedings dated 26.2.2005 pending disposal of the O.A. The Tribunal is directed to dispose of the above OA along with the connected matters as expeditiously as possible.

5. With the directions indicated above, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

7th April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Chief Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
3 The Deputy Commissioner (CT) Division I, Vijayawada Division, Vijayawada.
4 The Commercial Tax Officer, Vuyyur, Krishna District.
5 The Commissioner of Panchayat Raj & Rural Employment, P.R.Bhavan, Himayatnagar, Hyderabad.
6 The Secretary, A.P.Public Service Commission, Hyderabad.
7 The Collector, Krishna District, Machilipatnam.

8 The Registrar, A.P. Administrative Tribunal, Hyderabad.

9 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

10 2 CD copies

*Form-NIC-OGS/WP{**JA**}*